

Application No. 10/526,297
Reply to Office Action of July 24, 2008

REMARKS

Favorable reconsideration of this application is requested. Claims 1, 3, 5-7, and 9-18 are pending. Claims 2, 4 and 8 have been canceled without prejudice or disclaimer. The revisions to claims 1 and 13 are supported, for example, by original claims 3 and 4 and page 13 of the specification.

The objection to the drawings and the rejection of claim 8 for indefiniteness are rendered moot by the cancellation of claim 8. Applicants are not conceding the correctness of the objection and rejection.

Claims 1-7, 9, 10, 13, 15 and 16 have been rejected as anticipated by Gibson. Applicants respectfully traverse this rejection. The inventions of claims 1 and 13 require the presence of a water absorbent carrier that can spread sample liquid in a planar direction. A penetration layer is laminated on the carrier, and a plurality of coloration pads are in contact with the penetration layer. The penetration layer has a plurality of thickness-wise pores for allowing the sample liquid to penetrate the thickness direction of the penetration layer while preventing spread of the sample liquid in the planar direction. This is advantageous since the potential for neighboring coloration pads to influence each other chemically can be reduced.

The rejection seems to rely on the embodiment of Fig. 7 of Gibson to show a penetration layer and carrier. However, in this embodiment, the enzyme-containing discs 8 are laminated directly on the carrier 5. The carrier 5 is held between two impermeable members 6 and 7. See col. 7, lines 48-50. The reference does not indicate that the carrier 5 should prevent planar spread of sample liquid; in fact it seems to encourage it. Therefore Gibson does not disclose or even suggest the arrangement of carrier, penetration layer that has thickness-wise pores and coloration pads required by claims 1 and 13 and this rejection should be withdrawn.

Further rejections of the dependent claims are based on Gibson in combination with McAleer, Iwata or Goerlach-Graw. These references do not remedy the deficiencies of Gibson noted above, and therefore these rejections also should be withdrawn for at

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least the same reasons. Applicants are not conceding the relevance of these references to the further dependent claims.

In view of the above, Applicant respectfully requests that a timely Notice of Allowance be issued on this case. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

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